

The Corporation of the Township of Centre Wellington

By-law 2022-32

A By-law to regulate the Parking on Township and Private Property

Whereas Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, hereinafter referred to as the “*Municipal Act*” provides that the powers of a municipality under the *Municipal Act* or any other Act shall be interpreted broadly so as to confer broad authority on a municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

And Whereas Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act;

And Whereas Section 11(3) 1 and Section 11(3) 8 of the *Municipal Act* authorizes a municipality to pass By-laws regarding highways, including parking and traffic on highways and parking on private property;

And Whereas Sections 100 and 100.1(1) of the *Municipal Act* authorizes municipalities in respect of land not owned or occupied by the municipality, to regulate or prohibit the parking or leaving of vehicles without the consent of the owner of the land;

And Whereas Section 101 (1) of the *Municipal Act* authorizes a municipality to pass a By-law regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner’s expense, parked or left in contravention of the By-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the By-law;

And Whereas Section 101 (2) of the *Municipal Act* authorizes a municipality to enter on land at reasonable times for the purposes described in Section 101 (1);

And Whereas Section 101 (3) of the *Municipal Act* states that if signs are erected on land specifying conditions on which a motor vehicle may be parked or left on the land or regulating or prohibiting the parking or leaving of a motor vehicle on the land, a motor vehicle parked or left on the land contrary to the conditions or prohibition shall be deemed to have been parked or left without consent;

And Whereas the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, regulates traffic and the removal of vehicles;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1 Short Title

- 1.1 This By-law may be cited as the “Township and Private Property Parking By-law”.

2 Interpretation

- 2.1 Where words and phrases used in this By-law are defined in the **Highway Traffic Act**, but not defined in this By-law, the definitions in the **Highway Traffic Act** shall apply to such words and phrases.
- 2.2 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

3 Definitions

In this By-law:

- 3.1 “**Authorized sign**” means any sign, pavement marking or other device which has been placed, installed or erected by the **Township**, by another party acting under the direction or authority of the **Township** or as required by this By-law, to designate, regulate and/or enforce the provisions of this By-law.
- 3.2 “**Director of Infrastructure Services**” means the Director of Infrastructure Services for the **Township** or his or her designate.

- 3.3 “**Driveway**” means the improved land which provides vehicular access from the **highway** to adjacent lands.
- 3.3 “**Emergency vehicle**” means a fire department **vehicle**, a police **vehicle** or an ambulance.
- 3.3 “**Highway Traffic Act**” means the *Highway Traffic Act, R.S.O. 1990, c. H. 8*, as amended, and its regulations.
- 3.4 “**Motorcycle**” means a self-propelled **vehicle** having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, and includes a motor scooter, but does not include a motor-assisted bicycle.
- 3.5 “**Motor vehicle**” includes an automobile, a **motorcycle**, a **motor-assisted bicycle** unless otherwise indicated in the **Highway Traffic Act**, and any other **vehicle** propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.
- 3.6 “**Occupant**” when used in relation to **property**, means:
- (a) the tenant of the **property** or part thereof whose consent shall extend only to the control of the **property** of which he is tenant and any **parking spaces** allotted to him under his lease or tenancy agreement;
 - (b) the spouse of a tenant;
 - (c) a **person** authorized by an occupant as defined in (a) or (b) above, to act on the occupant’s behalf for requesting enforcement under this By-law.
- 3.7 “**Officer**” means a police officer, municipal law enforcement officer, the **Fire Chief**, or any other **Person** appointed by By-law to enforce the provisions of this By-law.
- 3.8 “**Owner**” when used in relation to **property**, means
- (a) the registered owner of the **property**;
 - (b) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit or which he is owner and any **parking spaces** allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the **property**;
 - (c) the spouse of a **person** as defined in (a) or (b) above;
 - (d) where the **property** is included in a description registered under the *Condominium Act*, the board of directors of the condominium corporation;
 - (e) a **person** authorized by the **property** owner as defined in (a), (b), (c) or (d) above to act on the owner’s behalf for requesting enforcement under this By-law;
 - (f) an **occupant**.
- 3.9 “**Park**” or “**parking**” or “**parked**” means the standing of a **vehicle**, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- 3.10 “**Parking space**” means:
- (a) on private **property** an area designated by an **authorized sign**;
 - (b) on **Township property** an area designated by an **authorized sign**.
- 3.11 “**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.
- 3.12 “**Property**” means a parcel of land which is capable of being legally conveyed or portion thereof.
- 3.13 “**Road service vehicle**” means a **vehicle** operated by or on behalf of the **Township** or other authority having jurisdiction and control of a **highway**.

- 3.14 **“Township”** means the Corporation of the Township of Centre Wellington or the land within the geographic limit of the Corporation of the Township of Centre Wellington as the context requires.
- 3.15 **“Trailer”** means a **vehicle** that is at any time drawn upon a highway by a **motor vehicle**, except an implement of husbandry, a mobile home, another **motor vehicle** or any device or apparatus not designed to transport **persons** or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a **motorcycle**, and shall be considered a separate **vehicle** and not part of the **motor vehicle** by which it is drawn.
- 3.16 **“Vehicle”** includes a **motor vehicle**, **trailer**, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, street car, cars of electric or steam railways running only upon rails or power-assisted bicycle.

4 Authority

Authority to Install Authorized Signs

- 4.1 The **Director of Infrastructure Services** is authorized to place, erect and maintain such **authorized signs** as may be necessary to give effect to the provisions of this By-law.

5 Parking Regulations and Restrictions

5.1 Parking Prohibited – Where Authorized Signs are on Display

Where **authorized signs** are on display, no **Person** shall **park** a **vehicle** on **Township property**:

- (a) other than in accordance with an **authorized sign**.

5.2 Parking Prohibited – Where Authorized Signs are on Display

Where **authorized signs** are on display, no **Person** shall **park** a **vehicle** on private **property**:

- (a) other than in accordance with an **authorized sign**;
- (b) without the consent of the **owner** or **occupant** of such **property**.

5.3 Parking Prohibited – Authorized Signs Not Required

No **Person** shall **park** a **vehicle** on **Township property**:

- (a) in such a position so as to prevent the removal of any other **parked vehicle**;
- (b) that is not licensed, immobile or in disrepair;
- (c) where **parking spaces** are designated by markers or lines painted on **Township property**, except wholly within the area designated as a **parking space**;
- (d) other than in a parking lot.

5.4 Parking Prohibited – Authorized Signs Not Required

No **Person** shall **park** a **vehicle** on private **property**:

- (a) on a **driveway** without the consent of the **owner** or **occupant** of the lands;
- (b) in a private **parking space** without the consent of the **owner** or **occupant** of such **property**.

- 5.5 Where a sign is erected on land specifying conditions on which a **motor vehicle** may be **parked** or left on private **property** or regulating or prohibiting the **parking** or leaving of a **motor vehicle** on private **property**, a **motor vehicle parked** or left on private **property** contrary to the conditions or prohibition shall be deemed to have been **parked** or left without consent.

- 5.6 If it is alleged in a proceeding that this By-law has been contravened, the oral or written evidence of an **Officer** is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it in respect of,

- (a) the ownership or occupancy of the land;

- (b) the absence of the consent of the **owner** or **occupant**; and
- (c) whether any **person** is an **occupant** or is an **owner**.

5.7 A document offered as evidence under Section 5.6 shall be admitted without notice under the *Evidence Act*.

6 Enforcement and Penalty Provisions

- 6.1 The enforcement of this By-law shall be conducted by an **Officer** or other **persons** appointed by the **Township**.
- 6.2 No **person** shall hinder or obstruct an **Officer** in the enforcement of this By-law.
- 6.3 Every **person** who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be subject to a penalty in accordance with the *Provincial Offences Act, R.S.O. 1990, c. P. 23*, as amended.
- 6.4 An **Officer** upon discovery of any **vehicle parked** or **stopped** in contravention of the provisions of this By-law, upon the issuing of a Certificate of Parking Infraction may cause it to be moved or taken to and placed or stored in a suitable place, at the owner's expense, and all costs and charges for removal, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act, R.S.O. 1990, c. R. 25*, as amended.
- 6.5 Where a Certificate of Parking Infraction has been issued alleging that the provisions of this By-law have been contravened, the **person** alleged to have committed an infraction may voluntarily pay a penalty to the **Township** within seven (7) days from the date of the alleged contravention, and such payment shall be accepted in full satisfaction of the fine, and no further proceedings shall be taken.
- 6.6 If compliance therewith would be impractical, the provisions of this By-law shall not apply to **emergency vehicles, road service vehicles** and any **vehicles** while actually engaged in works undertaken for or on behalf of the **Township**, the County of Wellington, the federal or provincial government, or any utility.

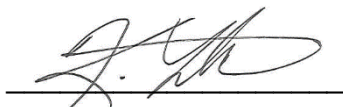
7 Severability

- 7.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

8. Singular and Plural Use

- 8.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

Read a first, second and third time and finally passed this 25th day of April 2022.



Mayor – Kelly Linton



Clerk – Kerri O'Kane